

# PATENT COOPERATION TREATY

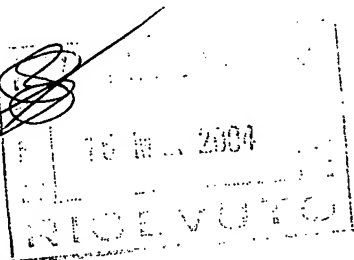
From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

WRITTEN OPINION  
(PCT Rule 66)

To:

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ITALIE



Date of mailing  
(day/month/year)

09.03.2004

Applicant's or agent's file reference  
A3232.WO192

**REPLY DUE**

**within 3 month(s)**  
from the above date of mailing

International application No.  
PCT/IB 03/02498

International filing date (day/month/year)  
06.06.2003

Priority date (day/month/year)  
18.06.2002

International Patent Classification (IPC) or both national classification and IPC  
B65B11/14

Applicant

AZIONARIA COSTRUZIONI MACCHINE AUTOMATICHE...et al

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.
 

**When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also:** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6.

**If no reply is filed,** the International preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 18.10.2004

Name and mailing address of the International preliminary examining authority:



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## I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

## Description, Pages

1-13 as originally filed

## Claims, Numbers

1-24 as originally filed

## Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

|                               |        |         |
|-------------------------------|--------|---------|
| Novelty (N)                   | Claims | 21      |
| Inventive step (IS)           | Claims | 1,16    |
| Industrial applicability (IA) | Claims | 1,16,21 |

**2. Citations and explanations****see separate sheet**

**Re Item I**

Basis of the opinion

The examination is being carried out on the **following application documents**:

Text for the Contracting States:

AL AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LI LT LU LV MC MK NL PL PT RO SE SI  
SK TR

**Description, pages:**

1-13 as originally filed

**Claims, No.:**

1-24 as originally filed

**Drawings, sheets:**

1/4-4/4 as originally filed

**Re Item V**

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**1. State of the art**

Reference is made to the following documents:

- D1: EP-A-0 816 229 (PACTEC VERPACKUNGSMASCHINEN FA) 7 January 1998 (1998-01-07) cited in the application
- D2: US-A-4 911 685 (HUCKS BILLY R) 27 March 1990 (1990-03-27)
- D3: US-A-5 935 686 (DAELMANS EDDY ET AL) 10 August 1999 (1999-08-10)
- D4: GB 666 501 A (MUNISING PAPER COMPANY) 13 February 1952 (1952-02-13)

## 2. Novelty

2.1 The document D1 is regarded as being the closest prior art to the subject-matter of independent claim 1, and discloses (the references in parentheses applying to this document see from column 2 line 1 to column 6 line 13):

a method of making product wraps, comprising the steps of:

A - causing a continuous strip of wrapping material, presenting at least two bands of adhesive extending parallel with its longitudinal dimension, to advance along a predetermined path;

B- cutting the strip transversely along dividing lines to obtain a plurality of leaves each presenting longitudinal edges coinciding with relative dividing lines;

C- associating at least one product with a respective substantially central area of each leaf;

D- folding each leaf around a relative product and bringing together the two longitudinal edges to form a tubular sheath;

E- closing the ends of the tubular sheath to obtain a wrap and finally

F- establishing at least one point between the two adhesive bands and coinciding with the transverse dividing line, from which to initiate an easy tear along a direction substantially transverse to the longitudinal edges of the leaf.

D1 discloses therefore a method from which the subject-matter of claim 1 differs in that the step F (establishing the tear initiating point) is realized before the step D (folding the leaf).

The subject-matter of independent claim 1 is therefore novel (Article 33(2) PCT).

2.2 D1 additionally discloses (see in particular column 4 lines 50-55 and figure 7) a strip of material from which the subject-matter of independent claim 16 differs in that it

comprises one notch located to coincide with each second adhesive band (in D1 the notch is made after the leaf is separated from the strip, therefore the strip has no notches).

The subject-matter of independent claim 16 is therefore novel (Article 33(2) PCT).

2.3 D1 finally also discloses (see in particular figure 3) a leaf of wrapping material comprising:

- a top face presenting a substantially rectangular peripheral outline;
- a pair of first adhesive bands (Q) extending along the mutually opposed and parallel shorter sides of the peripheral outline presented by the top face
- a pair of second adhesive bands (L) extending along the mutually opposed and parallel longer sides of the peripheral outline presented by the top face ;
- a placement zone (P) delimited by the pairs of first and second bands, in which to position at least one product;

This leaf comprises, after the packaging process a first notch located along each second adhesive band and extending parallel to the first adhesive bands, and a second notch establishing an indentation located on a respective second adhesive band and presenting the first notch.

The subject-matter of independent claim 21 is therefore not novel (Article 33(2) PCT).

### 3. Inventive step

3.1 The problem to be solved by the present invention may therefore be regarded as how to simplify the method (and also the strip used by this method) of D1 to produce wrapped products which can be opened by pulling from the edges on either side of the notch.

The solution proposed in claims 1 and 16 of the present application is to be considered as involving an inventive step (Article 33(3) PCT) because no document has been found in the state of the art which would lead the person skilled in this particular technical field to realize a notch before folding the leaf.